

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

JAMES LEE BROWN, ET AL.

PLAINTIFFS

v.

No. 4:05CV01076 GH

JANICE MARIE LEE, ET AL.

DEFENDANTS

**ORDER**

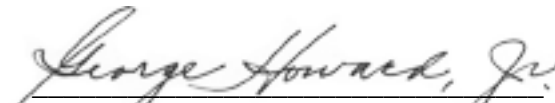
On August 5<sup>th</sup>, Delphi Automotive Systems and General Motors removed this case from the Pulaski County Circuit Court on the basis of plaintiffs' July 8<sup>th</sup> "Amendment to Complaint; Motion for Class Certification." A review of plaintiffs' July 8<sup>th</sup> pleading reveals that plaintiffs incorporated by reference the original complaint and the previous amendments pursuant to Ark. R. Civ. P. 10(c).

Now that this case is in federal court, the Court is persuaded that plaintiffs should file, within 20 days of the file-date of this order, an amended and substituted complaint as well as separate motion for class certification that complies with the applicable requirements of the Federal Rules of Civil Procedure and the Local Rules regarding amended complaints and class actions.

Furthermore, consistent with the Eighth Circuit's recent reminder in the case of In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8<sup>th</sup> Cir. 2005), that "[i]t is well-established that an amended complaint supercedes an original complaint and renders the original complaint without legal effect," all motions to dismiss, motions for partial summary judgment and motions for summary judgment filed in state court prior to the July 8<sup>th</sup> amendment to complaint have been rendered moot. All other motions filed in state court prior to removal are

denied without prejudice to be re-filed in conformity with the Federal Rules of Civil Procedure, the Local Rules and this Court's orders.

IT IS SO ORDERED this 23<sup>rd</sup> day of August, 2005.

  
UNITED STATES DISTRICT JUDGE